

REMARKS

Claims 1 - 20 remain active in this application. Claims 10 - 20 have been withdrawn from consideration as being non-elected, with traverse, in response to a requirement for restriction. No new matter has been introduced into the application.

In addition to the previous requirement for restriction in response to which a provisional election of claims 1 - 10 was made without traverse, the Examiner has now additionally required election of species between the species illustrated in Figure 3 (Species 1), Figure 6 (Species 2) and Figure 9 (Species 3). A provisional election of Species 2 has been made with traverse above; indicating at least claims 1 - 9 of the previously elected claims 1 - 10 to be readable thereon, claims 1 - 6 to be generic to all identified species and claim 7 to be generic to species 1 and 2.

The requirement for election of species is respectfully traversed since there is no serious burden of examination in the absence of the requirement. While the species are considered to be patentably distinct, it is inconceivable that searches for the respective specie would not be congruent.

Specifically, the generic invention is directed to confining and stabilizing an alloy which improves adhesion between a via and underlying metal or alloy using structures and processes such that electrical characteristics of the alloy to not deteriorate or change. All species identified by the Examiner include a barrier. Species 1 and 2 confine the alloying below the barrier and species 2 additionally confines alloying to an annulus (e.g. at the perimeter of the via) while species 3 is inverted from species 1 and confines the alloying above the barrier. Therefore, all species include the same elements with only species 3 differing in relative positioning thereof and a

search for species 2 clearly would comprehend the subject matter of species 1. Further the above provisional election, should the Examiner adhere to the requirement, would only result in the withdrawal of a single claim from consideration.

Therefore, searches for the respective species would appear to be completely congruent and no serious burden of examination can exist. Accordingly, it is respectfully requested that the requirement for election of species be reconsidered and withdrawn.

Early and favorable action on the merits of claims 1 - 10 is respectfully requested.

If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account No. 09-0458 of International Business Machines Corporation (E. Fishkill).

Respectfully submitted,



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